



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Janette Nazon,
Department of Labor and Workforce
Development

CSC Docket No. 2019-2149

Classification Appeal

ISSUED: May 9, 2019 (RE)

Janette Nazon appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Labor and Workforce Development is properly classified as Secretarial Assistant 2, Non-Stenographic. She seeks an Administrative Assistant 2 job classification in this proceeding.

The appellant received a regular appointment to the title Secretarial Assistant 2, Non-Stenographic on June 27, 2015. She requested a classification review of her position as she believed that she was working out-of-title. This position is located in the Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services. The position reports to an Assistant Director and does not have supervisory responsibilities. Agency Services conducted telephone interviews, performed a detailed analysis of the appellant's Position Classification Questionnaire (PCQ) and other materials submitted, and determined that this position is properly classified as Secretarial Assistant 2, Non-Stenographic.

On appeal, the appellant argues that she provides support services to her supervisor, his secretary,¹ four Chiefs and professional staff, including travel, gathering information and completing reports planning, scheduling and attending meetings/conferences, preparing reports, and being the point of contact for executive

¹ It is noted that the appellant's supervisor is "Acting" Director, and that position had an encumbered Secretarial Assistant 1, Non-Stenographic at the time of the audit. That individual has since been promoted to Executive Secretarial Assistant.

management. Regarding personnel, she states that she assists in compiling changes within the central office and 18 field offices (282 employees) regarding transfers/retirements/new hires/leaves/terminations, she compiles fiscal expenditures, statistical reports and work performance/probationary reports, and she is point of contact for training offered to field offices and processes paperwork. Regarding accounting and budgeting, she processes monthly travel reimbursement requests, maintains a list of certified interpreters and yearly initiates and processes interpreter credentials and forms, tracks the processing of interpreter invoices and payments, processes annual financial reports for this expenditure, compiles and submits information for annual reports, and uses Excel to enter monthly transition reports. Regarding purchasing, she states that she initiates and processes the purchasing of supplies/replacement of equipment (copiers/printers/etc.), is responsible payment processing, and tracks the processing and approval of all purchase orders. She states that she follows and tracks all initial complaints, compiles documentation of complaints, and expedites and coordinates building management issues. She indicates that she is point of contact for training offered to field offices and processes paperwork, for the maintenance of hiring and payment processing of sign language interpreters, for purchasing of language interpreters and approval credits, for incoming complaints and she ensures resolutions, and for issues involving eCATS and the AWARE system.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which if portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Secretarial Assistant 2, Non-Stenographic states:

May be assigned as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents, having responsibility for the administration of major programs which include administration of a large sub-divisional unit, and management of large regional, field, or satellite installations (four or more regional entities), or Deans of State colleges; does related work as required.

The definition section of the job specification for Administrative Assistant 2 states:

Assists a division director in a State department, institution, or agency by performing and coordinating administrative support services; does other related work as required.

A review of the duties of the appellant's position indicates that they most closely match the job description for Secretarial Assistant 2, Non-Stenographic. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the state's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Further, volume of work or how well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. Also, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed.

Further, it is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. In this regard, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C. 4A:4-2.5(a)1* states that professional titles require at least a Bachelor's or higher-level degree, with or without a clause to substitute experience. Professional work is predominantly intellectual and character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires *application* of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities.

The Administrative Assistant series was created to classify positions responsible for performing a variety of duties to relieve the executive officer of administrative details relative to the internal operation of the unit, and

coordinating support services to insure the availability and efficient use of resources needed to accomplish the goal of the unit. They are involved in analysis, determination, and implementation of changes and improvements of procedures that involve personnel, records management and movement (computerized and manual), budget and accounting recordkeeping, purchasing of services and materials, physical layouts of facilities, and workflow and operations procedures, *etc.* This is not a super-clerical or paraprofessional title, but belongs in the professional class, and the incumbent acts as principal assistant to the executive on administrative matters. The job definition does not state that performing and coordinating administrative support services includes clerical duties. Positions that provide essential secretarial and clerical support services are not Administrative Assistant positions. *See In the Matter of Maria Marcello and Jacquetta Warren* (MSB, decided February 11, 2004).

The duties performed by the appellant are not commensurate with these duties. A review of the appellant's PCQ indicates that the majority of her duties are secretarial and clerical in nature, and as expected for an Assistant Director in charge of a Division. In that respect, it is noted that this title series, as well as those of Executive Assistant and Administrative Assistant, are known as "Entitlement Titles." Salary Administration Memorandum (SAM) #9-88, Supplement #1, set the definitions for the levels in the Secretarial Assistant title series. This method of designating a position to a Secretarial Assistant 1, 2 or 3 level title is derived from the premise that as the rank of a superior increases, there is a corresponding increase in the responsibilities for the associated secretarial position. SAM #9-88, Supplement #1 also provides that the foregoing classification standards should not be interpreted as minimal entitlements and that appointing authorities are responsible for development of internal plans with respect to the utilization of this title series. Thus, the SAM sets the highest levels permitted for the use of the Secretarial Assistant title series, and the highest level permitted for an Assistant Director is Secretarial Assistant 2.

Further, the appellant did not dispute the duties listed by Agency Services, but indicated that her duties were more those of the requested title. The appellant's duties at the time of the classification review indicates that she is not primarily performing the professional duties required of an Administrative Assistant 2. The Administrative Assistant 2 should not routinely be performing secretarial and clerical duties, and the predominance of the appellant's duties are not at a professional level which would warrant a higher title. The appellant primarily provides essential secretarial and clerical support services consistent with the Secretarial Assistant 2, Non-Stenographic title.

Accordingly, a thorough review of the entire record fails to establish that Janette Nazon has presented a sufficient basis to warrant an Administrative Assistant 2 classification of her position.

ORDER

Therefore, the position of Janette Nazon is properly classified as Secretarial Assistant 2, Non-Stenographic.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 9th DAY OF MAY, 2019



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